

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 14946 of 2006(D)

PETITIONER:

M.A.J.HOSPITAL,
REPRESENTED BY ITS DIRECTOR,
EDAPPALLY.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:

1. DR. S.PHEBE,
34/1615, EDAPPALLY JUNCTION,
PIN - 682 024.
2. THE CONTROLLING AUTHORITY UNDER THE
PAYMENT OF GRATUITY ACT AND DISTRICT
LABOUR OFFICER, ERNAKULAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 14946 of 2006 D

Dated, this the 2nd day of April, 2007

J U D G M E N T

The challenge in the WP(C) is against Ext.P4 order issued by the 2nd respondent granting additional gratuity for an amount of Rs. 23,884/- to the 1st respondent, who was employed as a Doctor in petitioner hospital. It is seen that Ext.P4 order was passed without giving an opportunity to the petitioner to adduce evidence regarding House Rent Allowance paid to the 1st respondent, which is treated as her salary while allowing additional gratuity. Petitioner's case is that the hospital does not provide accommodation and petitioner has taken building on rent from the Church and the rent has been paid by the 1st respondent, which should not form as part of salary for gratuity. In view of the contentions raised, affidavit and the documents filed towards payment of rent by the 1st respondent to the Church, this WP(C) is disposed of vacating Ext.P4 with direction to the 2nd respondent to hear the petitioner and the 1st

respondent, give an opportunity to both the parties to produce documents and dispose of the claim afresh within three months from the date of production of a copy of this judgment by the petitioner.

This WP(C) is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg